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Attorney for Defendant  
**JAGMOHAN S. DHILLON**

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff,**

vs.

## **JAGMOHAN S. DHILLON,**

**Defendant.**

**CASE NO: SA CR 08-00223-AG**

**DEFENDANT'S REPLY TO  
PROBATION AND  
GOVERNMENT'S SENTENCING  
POSITION; DECLARATION OF  
JAGMOHAN S. DHILLON;  
EXHIBITS A AND B;**

Sentencing Date: 25 August 2011  
Time: 3:30 p.m.  
Judge: Guilford

Jagmohan S. Dhillon, the defendant, by and through his counsel of record, Robison D. Harley Jr. having received and reviewed the Government's Position regarding Sentencing and Probation's Revised Pre Sentencing Report hereby submits his Reply.

## INTRODUCTION

The Government has acknowledged that the defendant has met the last prong of the safety valve provision under Section 5C1.2 and the Pre Sentence Report has been revised to reflect that defendant is no longer subject to a mandatory minimum ten-year term of imprisonment and the two-level decrease in offense level at U.S.S.G. § 2D1.1(b)(16) applies. Both the Government and Probation agree that the revised advisory guideline range is 51 to 63 months.

The probation officer found that there was sufficient credible evidence to establish the following disputed arrests/convictions and that the defendant failed to provide any evidence to support his dispute of the following arrests:

- a. An August 2, 1993 arrest and conviction for selling alcohol to a minor by Modesto Police Department as reflected in ¶ 44.
  - b. An arrest and conviction on October 1, 1996 by the Royal Canadian Mounted Police for assault and domestic violence as reflected ¶ 45.
  - c. An arrest and conviction for selling alcohol to a minor by Modesto Police Department on October 11, 1996 and February 18, 1997 respectively as reflected in ¶ 46.
  - d. An arrest on an unspecified date in 1993 by the Royal Canadian Mounted Police for domestic violence as reflected in ¶ 53.

**THE DEFENDANT DID NOT IMMIGRATE FROM INDIA TO CANADA UNTIL NOVEMBER 3, 1997; THUS, IT IS IMPOSSIBLE FOR HIM TO HAVE BEEN ARRESTED AND OR CONVICTED FOR ANY OFFENSE IN CANADA OR THE UNITED STATES BEFORE THAT DATE**

17 Exhibit A attached hereto and incorporated by reference herein establishes that  
18 defendant immigrated to Canada from India on November 3, 1997 and could not have  
19 been in Canada, the United States or North America before that date. The defendant  
20 will have the original immigration documents and defendant's Indian passport  
21 verifying his initial arrival to North America on November 3, 1997. Thus, the  
22 evidence clearly and convincingly shows that any arrests or convictions in North  
23 America prior to that November 3, 1997 date are not connected to the defendant.

24 The defendant submits Exhibit B hereto and incorporated by reference herein  
25 to bolster his argument for a downward variance based on defendant's post offense  
26 rehabilitation.

27 | //

## CONCLUSION

Any arrests and convictions prior to November 3, 1997 are not connected to the defendant.

Dated: August 23, 2011

Respectfully submitted,

/S/ Robison D. Harley Jr.

Robison D. Harley

**Attorney for the Defendant**

JAGMOHAN S. DHILLON

**ROBISON D. HARLEY, JR. SBN: 68984**  
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Attorney for Defendant  
**JAGMOHAN S. DHILLON**

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

# UNITED STATES OF AMERICA

Plaintiff,

vs.

## **JAGMOHAN S. DHILLON,**

**Defendant.**

**CASE NO: SA CR 08-00223-AG**

**DECLARATION OF JAGMOHAN  
S. DHILLON IN SUPPORT OF  
DEFENDANT'S REPLY TO  
PROBATIONS AND  
GOVERNMENT'S SENTENCING  
POSITION**

I, Jagmohan S. Dhillon, declare as follows:

- 17 1. I am the defendant in the above-entitled case.

18 2. I have reviewed the Pre Sentence Report and the revised Pre Sentence Report:  
19 I have specifically reviewed paragraphs 44,45, 46, and 53 under the heading of  
20 the Criminal Convictions and none of those arrests and/or convictions pertain  
21 to me.

22 3. On November 3, 1997 I immigrated from India to Canada and my Indian  
23 passport and immigration documents verify that.

24 4. I gave my original passport and my immigration paperwork to my attorney who  
25 will have the documents available at my sentencing for inspection and  
26 verification.

**DECLARATION OF JAGMOHAN S. DHILLON  
IN SUPPORT OF DEFENDANT'S REPLY TO  
PROBATIONS AND GOVERNMENTS  
SENTENCING POSITION**

1 5. A copy of my original passport and immigration documents are attached hereto.

2 I declare under penalty of perjury that the above is true and correct

3 Dated: August 23, 2011

4 /S/ Jagmohan S. Dhillon  
5 **JAGMOHAN S. DHILLON**

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DECLARATION OF JAGMOHAN S. DHILLON  
IN SUPPORT OF DEFENDANT'S REPLY TO  
PROBATIONS AND GOVERNMENTS  
SENTENCING POSITION

# **PROOF OF SERVICE**

## PROOF OF SERVICE

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 825 North Ross, Santa Ana, CA 92701.

On the **23<sup>rd</sup> of August 2011**, I caused a true copy of the following document(s) to be served in this action upon the person(s) set forth below, by the method(s) indicated:

**DOCUMENT(S): DEFENDANT'S REPLY TO PROBATION AND GOVERNMENT'S SENTENCING POSITION; DECLARATION OF JAGMOHAN S. DHILLON; EXHIBITS A, AND B**

**PARTY(IES): SEE ATTACHED  
SERVED: SERVICE LIST**

( XX ) (BY PERSONAL SERVICE) I caused such DEFENDANT'S REPLY TO PROBATION AND GOVERNMENT'S SENTENCING POSITION; DECLARATION OF JAGMOHAN S. DHILLON; EXHIBITS A, AND B; to be electronically filed with the Office of the Clerk on 23 August 2011.

**(BY MAIL)**, I am "readily familiar" with the firm's practice of collection and processing correspondence. Under that practice, it would be deposited with the U.S. Mail service on that same day with postage thereon fully prepaid at Santa Ana, California, in the ordinary course of business

**(BY FEDERAL EXPRESS)** by using express mail service and causing to be delivered overnight next day delivery a true copy thereof to the person(s) at the address set forth above.

**( ) (BY FACSIMILE)** I caused such document(s) to be transmitted to the addressee(s) facsimile number (213) 894-1634. The facsimile machine I used complied with Rule 2003 (3) and the transmission was complete without error. (AUSA - FAX (714) 338-3708.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

( XX ) (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on 23<sup>rd</sup> August 2011, at Santa Ana, California.

/S/ Daniel B. Watkins  
**Daniel B. Watkins**

## SERVICE LIST

**Terri Flynn  
Assistant United States Attorney  
OFFICE OF THE UNITED STATES ATTORNEY  
UNITED STATES DISTRICT COURT  
Ronald Reagan Federal Building  
411 West Fourth Street  
Santa Ana, California 92701  
(714) 338-3592**

e-filed

OFFICE OF THE CLERK FOR THE  
UNITED STATES DISTRICT COURT  
Ronald Reagan Federal Building  
411 West Fourth Street  
Santa Ana, California 92701

e-filed